THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.32012 of 1998

ORDER:

This writ petition is filed complaining that the authority, who issued the impugned order has no power under law. The case of the petitioner is that if a dispute arises under Section 37(1) of A.P. Mutually Aided Cooperative Societies Act, 1995, it has to be necessarily referred to Cooperative Tribunal. Therefore, the impugned order passed by the first respondent is arbitrary and illegal.

The learned counsel for the respondents submitted that Section 37(1) and the proviso thereto categorically indicates that no dispute under Section 37(1) shall be referred to the Cooperative Tribunal unless the parties exhaust all the remedies that may be available in the bye-laws for settlement of disputes.

A perusal of the provisions contained in Section 37 of the Act show that the respondent authority is vested with the powers and can proceed with the matter. This view is also supported by a judgment of this Court in W.P.No.4715 of 1999 dated 13.7.1999. Therefore, the writ petition is devoid of merits and liable to be dismissed.

It is brought to the notice of the Court that against the interim orders passed in W.P.M.P.No.39290 of 1998 dated 18.11.1998, a vacate stay petition was filed and the same was allowed, against which, W.A.No.1157 of 1999 was filed. A Division Bench of this Court by order dated 17.8.1999 granted interim stay on condition of the petitioners paying an amount of Rs.2,60,000/- within two months from that date and in default, the appeal itself deemed to have been dismissed. It is represented that the said order has not been complied. Therefore, the order has already been worked out.

Accordingly, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU,
J

Date: 29.6.2006

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.32010 of 1998

29.6.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.32012 of 1998

Dated: 29th June, 2006

Between:

R.Nagabhushanam & another.

.. Petitioners

and

The Deputy Registrar of Cooperative Societies,
Officer on Special Duty, Prudential Coop. Bank Ltd.,
R.P. Road, Secunderabad & another.

.. Respondents